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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/335,031 | 06/16/1999 | KEIICHI IWAMURA | 35.C11664-DI | 5998 |
| 5514 | 7590 | 11/16/2004 | EXAMINER | |
| FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112 | | | FELTEN, DANIEL S | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3624 | |

DATE MAILED: 11/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/335,031

Applicant(s)

IWAMURA, KEIICHI

Examiner

Daniel S Felten

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 20 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 24-26,30-32,38-40,43,44,46,51,64-66,74,79 and 80 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 24-26,30-32,38-40,43,44,46,51,64-66,74,79 and 80 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

1. Receipt of the Request for Continued Examination ("RCE") filed August 20, 2004 is acknowledged. Claims 1-23, 27-29, 33-37, 41, 42, 45, 47-50, 52-63, 67, 70-73, 75-78 and 81 have been cancelled while claims 24-26, 30-32, 38-40, 43,44, 46, 51, 64-66, 74, 79 and 80.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 24-26, 30-32, 38-40, 43, 44, 46, 51, 64-66, 74, 79 and 80 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. What is the distinction between what the applicant considers as electronic "content" information and other forms of electronic information used in the system? How does the applicant define this limitation in the specification? How are certain types of information (i.e., price information) "attached" to electronic content information? For sake of compact prosecution the examiner has given the broadest reasonable interpretation of "content" and "attached". The word electronic "content" information shall be interpreted as any form of electronic information used by the system associated

with the accounting method including price and money information. Unless the applicant can show it otherwise, the word "attached", is interpreted as generally any electronic information that is associated or linked in some way to a set or piece of electronic information. The terms "associated" and "linked" in the Examiner's definition are given their broadest reasonable interpretation in view of claims and in light of the original specification.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 24-26, 30-32, 38-40, 43, 44, 46, 51, 64-66, 74, 79 and 80 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukatsu (US 5,301,881).

Claim 24:

An accounting method comprising:

a step of inputting money information (see col. 1, ll. 53 to col. 2, ll. 49; and col. 17, ll. 53+);

a step of inputting price information attached to electronic content information (see fig. 15, col. 14, ll. 41 to col. 15, ll. 20 and 25+):

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a step of judging a use permission of the electronic content information in accordance with the money information and the price information (see fig. 15, col. 14, ll. 41 to col. 15, ll. 20 and 25+) and

a step of processing the electronic content information so as to enable use of the electronic content information provided by the information provider in accordance with the result of judging (see fig. 15, col. 14, ll. 41 to col. 15, ll. 20 and 25+).

Fukatsu teaches the network involving the POS system (see fig. 15) in which there is communication between the main control center (150) and the register. Fukatsu fails to teach that the electronic content information is provided by an information provider terminal. However, it is obvious that one of ordinary skill in the art would recognize that mainframe (155) and the host computer (158) both provide electronic content information to the register (100). Thus such a modification of the information provider with the host computer or the mainframe would constitute a substitution of functional equivalence in as much as both provide bilateral electronic communication between terminals within the system. Thus such a modification would be considered an obvious expedient well within the ordinary skill in the art.

Claim 25, 26, 65 and 66:

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Encoding/enciphered or decoding information is used in Electronic Fund Transactions to secure electronic information (i.e., money, ID, descriptive information, etc). Therefore Official Notice is taken by the Examiner of encoding/enciphering and/or decoding electronic content information (or any other electronic transaction information) as being an obvious extension to the barcode and/or other electronic information used in disclosed in Fukatsu for allowing a transaction to take place. Thus such a modification would be an obvious expedient to one of ordinary skill in the art.

Claim 30:

wherein said money information is cash (see Fukatsu, col. 17, ll. 41-47).

Claim 31:

information is recorded in a recording medium (see Fukatsu, col. 17, ll. 47-50).

Claim 32:

further comprising a step of transmitting use information of the provided electronic content information (see Fukatsu, col. 17, ll. 20-25; col. 18, l. 21-25)

Claim 38:

further comprising a step of transmitting charge distribution information to said information provider terminal in accordance with the use information (see Fukatsu, col. 15, ll. 3-20 and 21+).

Claim 39:

further comprising a step of performing accommodation of a use charge of the provided electronic content information in accordance with the use information (see Fukatsu, col. 15, ll. 3-20 and 21+).

Claim 40:

wherein cipher communication is performed with said information provider terminal see Fukatsu, col. 15, ll. 3-20 and 21+).

Claim 43:

the money information includes data indicating a type of a recording medium in which data the money information is recorded, and said judging step judges the use permission of the electronic content information in accordance with the data indicating the type (see Fukatsu, col. 17, ll. 20-25; col. 18, l. 21-25).

Claim 44:

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further comprising a step of rewriting the amount of money in response to the result of judging (see col. 18, ll. 32-36).

Claim 46:

(see explanation for claim 24 above)

Claim 51:

further comprising a step of outputting the price information:

a step of summing up the output price information for each item of electronic content information: and a step of notifying results of summing up for each item of electronic content information respectively to the information provider terminal (see col. 18, ll. 32-36).

Re claim 64:

(see explanation for claim 24, and figs. 15+)

Re claim 68:

(see explanation for claim 30)

Re claim 69:

(see explanation for claim 31)

Re claim 74:

(see explanation of claim 32)

Re claim 79:

(see explanation for claim 43)

Re claim 80:

Further comprising means for rewriting the amount of money in response to the result of judging (col. 16, ll. 20-66).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel S Felten whose telephone number is (703) 305-0724. The examiner can normally be reached on Flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (703) 308-1065. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Daniel S Felten
Examiner
Art Unit 3624

DSF
November 10, 2004



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